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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/885,834	06/20/2001	John F. Lane	10821/51085	4115
29934	7590	12/27/2005	EXAMINER	
PALMER & DODGE, LLP RICHARD B. SMITH 111 HUNTINGTON AVENUE BOSTON, MA 02199			CORRIELUS, JEAN M	
			ART UNIT	PAPER NUMBER
			2162	

DATE MAILED: 12/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/885,834	Applicant(s) LANE ET AL.	
	Examiner Jean M. Corrielus	Art Unit 2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,10-14 and 16-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 4, 10-14 and 16-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to the application filed on October 06, 2005, in which claims 1, 3, 4, 10-14 and 16-22 are presented for further examination.

Response to Arguments

2. Applicant's arguments filed October 06, 2005 have been fully considered but they are not persuasive. (See examiner's remark).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3-4 and 10-14 and 16-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Huben et al., (hereinafter "Van") US Patent no. 5,920,873 and Heile et al., (hereinafter "Heile") US Patent no. 5,983,277.

As to claims 1, 14 and 22, Van disclose a design control system usable in a concurrent engineering process to enable the design to be processed. In particular Van discloses the claimed "a library of format readers for reading at least one intelligent design saved in a specific format" by creating a model by interactive user activity (col.12, lines 65-66; col.100, lines 45-57); "a format verifier linked to the format readers for matching the intelligent design to one of the format readers capable of reading the specific format" automatically creating a data structure

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type for each data design (col.15, lines 10-22; col.19, lines 5-24; col.20, lines 17-18); “an import application-programming interface linked to the format verifier for importing the intelligent design in the applicable format for viewing the intelligent design” importing a located file by use of an application program interface with a collection of model management utilities (col.7, lines 24-28; col.12, line 66-col.13, line 11); “a memory resident data model, linked to the import application-programming interface, is a database for storing the properties and functional characteristics of the intelligent design” (col.13, lines 12-16); “a query application-programming interface, linked to the memory resident data model, for searching for at least one element in the memory resident data model” by receiving a request from the displayed client screen to fulfill the request by providing a result which provides a dynamic way to track a model during the design phase (col.12, lines 55-66); and “a user interface, linked to the query application-programming interface, for interactively accessing the memory resident data model” as an application program interface that provides a control panel input, which allows creation of a model by interactive user activity and by importing file listings and (col.7, lines 22-28). However, Van does not explicitly disclose whether the apparatus is configured as a single application. On the other hand, Heile discloses an analogous system that allows multiple engineer to collaborate on one design project (col.3, lines 1-10). More specifically, Heile allows a design engineer the use of a single application to enter a project design when it has been developed (col.5, lines 23-30; col.6, lines 23-35; col.8, lines 55-65). It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of the cited references, wherein the design control system library provided therein (see Van.fig.5) would incorporate the use of a single application. One having ordinary skill in the art would have found

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it motivated to use such a combination in order to ensure a matching set of design data traverse through the library.

As to claims 3, 16 and 23, Van discloses the claimed “at least one format writer, linked to the query application- programming interface, for controlling a local configuration and behavior of the user interface” (col.7, lines 22-30; col.15, lines 10-28).

As to claims 4, 17 and 24, Heile discloses the claimed “a collaborative network element, linked by at least one medium to the memory resident data model, for using the apparatus across a global computer network” (col.3, lines 1-8; col.8, lines 20-24, lines 55-66).

As to claims 10, 18 and 25, Heile discloses the claimed “wherein the memory resident data model stores a plurality of intelligent designs” (col.8, lines 30-34).

As to claims 11 and 19, Heile discloses the claimed “wherein the plurality of intelligent designs have different application formats” (col.6, lines 25-36).

As to claims 12, 20 and 26, Heile discloses the claimed “wherein the memory resident data model stores the plurality of intelligent designs in a format that allows simultaneous viewing” (col.5, lines 25-53; col.6, lines 22-55; col.7, lines 23-32; col.17, lines 6-17; lines 30-40).

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As to claims 13, 21 and 27, Heile discloses the claimed “wherein the memory resident data model provides connectivity between analogous device elements in the plurality of intelligent designs” (col.7, lines 23-33).

Remark

Applicant asserted that Van Huben and Heile does not nor disclose or suggest or make obvious a user interface, linked to the query application-programming interface, for interactively accessing the memory resident data model. The examiner disagrees with the precedent assertion. However, when read and analyzed in the light of the specification, the invention as claimed does not support applicants' assertion. Moreover, the claims do not capture the essence of the invention as argued in applicants' remark page 10. The aforementioned assertions, wherein the user interface, linked to the query application-programming interface, for interactively accessing the memory resident data model fails to disclose by Van Huben and Heile was unsupported by objective factual evidence and was not found to be substantial evidentiary value. The system of Van Huben, however, is directed to a computer integrated design control system for concurrent engineering. More specifically, Van Huben's system is related to methods useful in connection with the design development and manufacturing of complex electronic machine, wherein such concurrent engineering is enhanced and after creation of a model. Thereafter, the system of Van Huben provides continuously tracking the created model while allowing a user modification and allowing promotion of a model in the data processing system through the libraries. Such system of Huben has a functional limitation for receiving a request of a user by providing a dynamic way to track a model. More importantly, Huben discloses the claimed “user interface, linked to

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the query application-programming interface, for interactively accessing the memory resident data model” by having an application program interface that accepts, executes and dispatches tasks without any human intervention, which enables the designers to make request of the automated library system to promote data or run library processes without the need for a data manager (See Abstract). On the other hand, Heile discloses an analogous system that allows multiple engineer to collaborate on one design project (col.3, lines 1-10). More specifically, Heile allows a design engineer the use of a single application to enter a project design when it has been developed (col.5, lines 23-30; col.6, lines 23-35; col.8, lines 55-65). The Applicants always have the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater 162 USPQ 541, 550-51 (CCPA 1969).

Thus, for the above reasons, it is believed that the rejection under 35 U.S.C. 103 provides substantial evidence to support the rationale statement in the above rejection, and the rejection under 35 U.S.C. 103 should be sustained.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

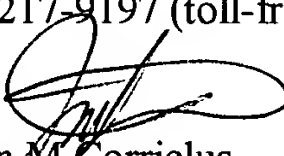
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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean M. Corrielus whose telephone number is (571) 272-4032. The examiner can normally be reached on 10 hours shift.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jean M Corrielus
Primary Examiner
Art Unit 2162

December 22, 2005